

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#39/K
JK
2004

In re Application of: Howard Tanner, *et al.*

Divisional Application of
Application No.: 09/108,189 Examiner: J. Thissel

Filed: July 1, 1998 Group: 3763

For: AN INTRODUCER SHEATH FOR USE DURING A SURGICAL
PROCEDURE

Attorney Docket No.: 23660-00611

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JAN 23 2004

TECHNOLOGY CENTER R3700

Dear Sirs:

In response to the Notice of Non-Compliant Amendment mailed on December 17, 2003, please re-submit the enclosed "Amendments to the Claims" section, pages 2 through 9, to applicant's previously submitted amendment and response. The re-submitted "Amendments to the Claims" section replaces original pages 2 through 7 and now includes the text of the withdrawn claims. This paper is filed on the first business day following the one month due date and as such no fees should be due.

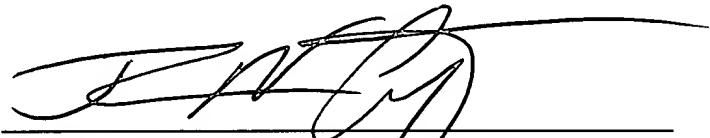
III. CONCLUSION

In view of the amendments and remarks, Applicants respectfully submit that the claims of the present invention define subject matter patentable over the references cited by the Examiner and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the below listed telephone number.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to deposit account number 03-2469. Moreover, if the deposit account contains insufficient funds, the Commissioner is hereby invited to contact Applicant's undersigned representative to arrange payment.

Respectfully submitted,

Date: January 20, 2004



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